

ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE

DATE: August 10, 2018
START: 2:00 p.m.
END: 2:20 p.m.

DOCKET NO: 16CV7078 (ILG)

CASE: Lelchook et al v. Islamic Republic of Iran et al

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| <input type="checkbox"/> INITIAL CONFERENCE | <input type="checkbox"/> OTHER/ORDER TO SHOW CAUSE |
| <input type="checkbox"/> DISCOVERY CONFERENCE | <input type="checkbox"/> FINAL/PRETRIAL CONFERENCE |
| <input type="checkbox"/> SETTLEMENT CONFERENCE | <input checked="" type="checkbox"/> TELEPHONE CONFERENCE |
| <input checked="" type="checkbox"/> MOTION HEARING | <input type="checkbox"/> INFANT COMPROMISE HEARING |

PLAINTIFF

ATTORNEY

	Robert Tolchin
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DEFENDANT

ATTORNEY

Bank Saderat PLC (the "Bank")	Jeremy Frey

- ☐ _____ DISCOVERY TO BE COMPLETED BY _____
- ☐ NEXT _____ CONFERENCE SCHEDULED FOR _____
- ☐ JOINT PRE-TRIAL ORDER TO BE FILED VIA ECF BY _____
- ☐ PL. TO SERVE DEF. BY: _____ DEF. TO SERVE PL. BY: _____

RULINGS: PLEASE TYPE THE FOLLOWING ON DOCKET SHEET

At the Bank's urging, this case had effectively been stayed pending the outcome of the appeal to the D.C. Circuit in Kaplan v. Central Bank of the Islamic Republic of Iran, which defendant had characterized as essentially the same case as this one. On July 20, 2018, the D.C. Circuit reversed the judgment dismissing the Anti-Terrorism Act claims, concluding that the act-of-war exception presents a merits issue, not a jurisdictional one, and that it should not be decided until the issue of personal jurisdiction is resolved. In light of the Kaplan decision, this Court is inclined to grant plaintiff's motion for jurisdictional discovery (docket entry #128). However, counsel to the Bank has now moved to withdraw as attorney (docket entry #135), on the ground that the Bank does not intend to participate in the litigation and has discharged its counsel. As it thus appears that the Bank intends to default, and thereby forfeit its defense of lack of personal jurisdiction, there may be no need for jurisdictional discovery.

Defense counsel is directed to confer with the client in order to set up a telephonic hearing with the Bank regarding the motion to withdraw. Defense counsel will file a status report by August 17, and will address plaintiff's request that an agent be designated for service of orders and a judgment in the event defense counsel is permitted to withdraw.

Plaintiffs have until August 16, 2018, to respond in writing to the motion to withdraw.

